

Definition of "Natural Parent" Regulations Section 100 (Editorial)

Justification for Changes without Regulator Effect:

This is an editorial package to be filed pursuant to California Code of Regulations (CCR), Title 1, Section 100. These changes make the regulations consistent with Family Code (FC) section 7601 and, otherwise, do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions. The changes made are without regulatory effect because they either (1) delete a regulatory provision for which all statutory authority has been repealed, (2) make a regulatory provision consistent with changes to California statutes, (3) change authority or reference citations or (4) revise grammar or syntax errors [1 CCR section 100 (a)(2),(a)(4),(a)(5) and (a)(6)].

This regulatory addition is necessary to comply with Assembly Bill (AB) 1403 (Chapter 510, Statutes of 2013). Existing law establishes the California Uniform Parentage Act which defines a parent and child relationship as the legal relationship existing between a child and the child's natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. The term includes the mother and child relationship and the father and child relationship (FC section 7600 et seq.).

The Uniform Parentage Act (UPA) was part of a package of legislation introduced in 1975 (SB 347, Chapter 1244, Statutes of 1975) to eliminate the legal distinction between legitimate and illegitimate children. The UPA instead focuses on the "parent and child relationship," defined as "the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship" (FC section 7601.) The law further provides that "the parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents" (FC section 7602.). This bill would codify changes to the UPA that have been established by case law since its enactment.

The AB 1403 makes technical and clarifying changes to the UPA, in particular, make the Act's provisions gender neutral where appropriate. The definition of "natural parent" added to FC section 7601 follows this intent and further eliminates the distinction between legitimate and illegitimate children. The definition of "natural parent" is added to Title 22 to provide clarity during the adoption process.

Effective January 1, 2014, AB 1403 amended FC section 7601, providing a definition for the term "natural parent" as any nonadoptive parent, whether biologically related to the child or not.